

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PATRICIA COTTEN and  
JAMES SCOTT EL,

Plaintiffs,

No. 04-CV-73508-DT

vs.

Hon. Gerald E. Rosen

SHERRY BURT, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
AUGUST 9, 2006 REPORT AND RECOMMENDATION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on September 21, 2006

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This Section 1983 civil rights action having come before the Court on the August 9, 2006 Report and Recommendation of U.S. Magistrate Judge Mona K. Majzoub recommending that the Court grant, in part, and deny, in part, Defendants' motion for summary judgment, and accordingly, dismiss Plaintiff James Scott El's claims for failure to exhaust his administrative prisoner grievance remedies but deny Defendants' motion as to civilian Plaintiff Patricia Cotten's claims, which was filed before Plaintiff Cotten was allowed any discovery, as premature; and timely objections to the Magistrate Judge's R&R having been filed; and the Court having reviewed and considered the R&R and the objections thereto, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of August 9, 2006 is adopted by the Court. Accordingly, for the reasons stated by the Magistrate Judge in her Report and Recommendation,

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment is granted, in part, and denied, in part, as follows: Defendants' motion is granted with respect to the claims of Plaintiff Scott El, and Plaintiff Scott El's claims in this action are, accordingly, dismissed, in their entirety, for failure to exhaust administrative remedies. Defendants' motion for summary judgment is denied, without prejudice, as to the claims of Plaintiff Cotten.

SO ORDERED.

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: September 21, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 21, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager